



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/581,481

04/06/2007

Tsutomu Ikeda

00684.517380.

3895

5514

7590

05/11/2010

FITZPATRICK CELLA HARPER & SCINTO

1290 Avenue of the Americas

NEW YORK, NY 10104-3800

EXAMINER

CHOW, YUK

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

05/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1- 2, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda (US 2005/0190431).

As to **claim 1**, Matsuda discloses a particle movement-type display apparatus, comprising:

a substrate (Fig. 2(1a));

a plurality of pixels (Fig. 2(G1,G2,G3));

a partition wall disposed on the substrate for partitioning the plurality of pixels (Fig. 2(wall below 7)); and

particles disposed at the plurality of the pixels (Fig. 2(3a,3b));

wherein the plurality of the pixels and the partition wall constitute a display portion around which a peripheral area is disposed (Fig. 2(area A));

wherein the peripheral area includes a projection portion (Fig. 2(7)) , and

wherein the projection portion or the partition wall is provided with a recess portion at a surface thereof opposite from a surface thereof facing the substrate (see

Fig. 2, area A has a recess portion due to the width became narrower towards the substrate 1b).

As to **claim 2**, Matsuda discloses an apparatus according to Claim 1, wherein the recess portion has a depth which is not less than a diameter of the particles (see Fig. 2, depth of recess area A is less than a diameter of the particles).

As to **claim 5**, Matsuda discloses a particle movement-type display apparatus, comprising:

a substrate (Fig. 2(1a));

a plurality of pixels (Fig. 2(G1,G2,G3));

a partition wall disposed on the substrate for partitioning the plurality of pixels (Fig. 2(wall below 7)); and

particles disposed at the plurality of pixels (Fig. 2(3a,3b))

wherein the plurality of pixels and the partition wall constitute a display portion around which a peripheral area is disposed (Fig. 2(area A));

wherein in the peripheral area, a plurality of a projection portions each having a height substantially equal to a height of the partition wall is provided (Fig. 2(7) has same height of partition wall which is directly below); and

wherein each of the projection portions is separated by a spacing area (Fig. 2 shows each (7) is separated by spacing).

As to **claim 6**, Matsuda discloses an apparatus according to Claim 5, wherein the projection portion has curved line shape (see Fig. 2(7) has a curved line shape).

As to **claim 7**, Matsuda discloses an apparatus according to Claim 5, wherein the projection portion has a line width, which is not more than ten times a diameter of the particles, at an upper surface thereof (see Fig. 2, area A is not bigger than ten times diameter of the particles).

As to **claim 8**, Matsuda discloses a particle movement type display apparatus, comprising:

- a substrate (Fig. 2(1a));
- a plurality of pixels (Fig. 2(G1,G2,G3));
- a partition wall disposed on the substrate for partitioning the plurality of pixels (Fig. 2(wall below 7)); and

- particles disposed at the plurality of pixels (Fig. 2(3a,3b));

wherein the partition wall is provided with a recess portion at a surface thereof opposite from a surface thereof facing the substrate (see Fig. 2, area A has a recess portion (7) and facing the substrate 1b).

Response to Arguments

2. Applicant's arguments with respect to claims 1-2 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./

Examiner, Art Unit 2629

/Amare Mengistu/

Supervisory Patent Examiner, Art Unit 2629